

REPEALS

Provision of this section, “, or rights to ditches and reservoirs used in connection with such water rights,” was repealed by Pub. L. 94-579, title VII, §706(a), Oct. 21, 1976, 90 Stat. 2793, effective on and after Oct. 21, 1976, insofar as applicable to the issuance of rights-of-way over, upon, under, and through the public lands and lands in the National Forest System.

CODIFICATION

R.S. §2340 derived from act July 9, 1870, ch. 235, §17, 16 Stat. 218.

Section is also set out as the second par. of section 661 of Title 43, Public Lands.

SAVINGS PROVISION

Repeal by Pub. L. 94-579, title VII, §706(a), Oct. 21, 1976, 90 Stat. 2793, insofar as applicable to the issuance of rights-of-way not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see note set out under section 1701 of Title 43, Public Lands.

SUBMERGED LANDS ACT

Provisions of this section as not amended, modified or repealed by the Submerged Lands Act, see section 1303 of Title 43, Public Lands.

CROSS REFERENCES

Michigan, Minnesota and Wisconsin mineral lands, see section 48 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 24, 29, 33, 37, 38, 39, 40, 42, 46, 47, 48, 102 of this title; title 16 section 460mm-1.

§ 53. Possessory actions for recovery of mining titles or for damages to such title

No possessory action between persons, in any court of the United States, for the recovery of any mining title, or for damages to any such title, shall be affected by the fact that the paramount title to the land in which such mines lie is in the United States; but each case shall be adjudged by the law of possession.

(R.S. §910.)

CODIFICATION

R.S. §910 derived from act Feb. 27, 1865, ch. 64, §9, 13 Stat. 441.

Section was formerly classified to section 690 of Title 28 prior to the general revision and enactment of Title 28, Judiciary and Judicial Procedure, by act June 25, 1948, ch. 646, §1, 62 Stat. 869.

CROSS REFERENCES

Civil actions for just compensation by holders of mining claims within National Park System mining areas, see section 1910 of Title 16, Conservation.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 16 section 460mm-1.

§ 54. Liability for damages to stock raising and homestead entries by mining activities

Notwithstanding the provisions of any Act of Congress to the contrary, any person who on and after June 21, 1949 prospect for, mines, or removes by strip or open pit mining methods, any minerals from any land included in a stock raising or other homestead entry or patent, and who

had been liable under such an existing Act only for damages caused thereby to the crops or improvements of the entryman or patentee, shall also be liable for any damage that may be caused to the value of the land for grazing by such prospecting for, mining, or removal of minerals. Nothing in this section shall be considered to impair any vested right in existence on June 21, 1949.

(June 21, 1949, ch. 232, §5, 63 Stat. 215.)

SIMILAR PROVISIONS

Provisions similar to this section were contained in act June 17, 1949, ch. 221, §2, 63 Stat. 201.

CROSS REFERENCES

Damage to natural and historical landmarks within National Park System, procedures for determination and enforcement of abatement of activities, see section 1908 of Title 16, Conservation.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 16 section 460mm-1.

CHAPTER 3—LANDS CONTAINING COAL, OIL, GAS, SALTS, ASPHALTIC MATERIALS, SODIUM, SULPHUR, AND BUILDING STONE

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SUBCHAPTER I—COAL LAND ENTRIES IN GENERAL

§ 71. Entry of unappropriated or unreserved Federal coal lands; eligibility; application; acreage limitation; price per acre

Every person above the age of twenty-one years, who is a citizen of the United States, or who has declared his intention to become such, or any association of persons severally qualified as above, shall, upon application to the register of the proper land office, have the right to enter, by legal subdivisions, any quantity of vacant coal lands of the United States not otherwise appropriated or reserved by competent authority, not exceeding one hundred and sixty acres to such individual person, or three hundred and twenty acres to such association, upon payment to the register of not less than \$10 per acre for such lands, where the same shall be situated more than fifteen miles from any completed railroad, and not less than \$20 per acre for such lands as shall be within fifteen miles of such road.

(R.S. § 2347; Mar. 3, 1925, ch. 462, 43 Stat. 1145.)

CODIFICATION

R.S. § 2347 derived from act Mar. 3, 1873, ch. 279, § 1, 17 Stat. 607.

AMENDMENTS

1925—Act Mar. 3, 1925, affected words which now read “upon payment to the register of not less than.” Such words originally read “upon payment to the receiver of not less than.” Such act consolidated the offices of receiver and register.

TRANSFER OF FUNCTIONS

Office of register of district land office abolished and all functions of register transferred to Secretary of the Interior, or to officers and agencies of Department of the Interior as Secretary may designate, by Reorg. Plan No. 3 of 1946, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100, set out in the Appendix to Title 5, Government Organization and Employees.

See also note set out under section 1 of this title.

INDIAN LANDS EXCEPTED

Commenting on this section and sections 72 to 76 of this title the Department of the Interior says:

“While there may be some Indian lands still subject to coal entry by virtue of the provisions of law opening such lands to entry, the coal land laws generally were superseded by the leasing Act of Feb. 25, 1920, 41 Stat. 437 [section 181 et seq. of this title], and it is at least questionable whether the coal land laws should be carried into the Code.”

CROSS REFERENCES

Agricultural entries on lands withdrawn or classified as coal lands or valuable for coal, see sections 83 to 85 of this title.

Disposition of coal deposits, form and manner, see section 193 of this title.

Leases and prospecting permits, see section 201 et seq. of this title.

State selections of lands withdrawn or classified as coal lands or valuable for coal under grants by Congress, see section 90 of this title.

Submerged lands, mineral rights generally, see section 1301 et seq. of Title 43, Public Lands.

Surface rights of entrymen, protection of, when entry under nonmineral land laws of lands subsequently classified, claimed, or reported as coal lands, see section 81 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 24, 29, 33, 37, 38, 39, 40, 42, 46, 47, 72, 74, 75, 76, 102 of this title.

§ 72. Preference right of coal mine entry; acreage limitation

Any person or association of persons severally qualified, as provided in section 71 of this title, who have opened and improved, or shall open and improve, any coal mine or mines upon the public lands, and shall be in actual possession of the same, shall be entitled to a preference right of entry, under section 71 of this title, of the mines so opened and improved: *Provided*, That when any association of not less than four persons, severally qualified as provided in section 71 of this title, shall have expended not less than \$5,000 in working and improving any such mine or mines, such association may enter not exceeding six hundred and forty acres, including such mining improvements.

(R.S. § 2348.)

CODIFICATION

R.S. § 2348 derived from act Mar. 3, 1873, ch. 279, § 2, 17 Stat. 607.

INDIAN LANDS EXCEPTED

See note set out under section 71 of this title.

CROSS REFERENCES

Disposition of coal deposits, form and manner, see section 193 of this title.

Leases and prospecting permits, see section 201 et seq. of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 24, 29, 33, 37, 38, 39, 40, 42, 46, 47, 73, 74, 75, 76, 102 of this title.

§ 73. Presentation of claims

All claims under section 72 of this title must be presented to the register of the proper land district within sixty days after the date of actual possession and the commencement of improvements on the land, by the filing of a declaratory statement therefor; but when the township plat is not on file at the date of such improvement, filing must be made within sixty days from the receipt of such plat at the district office.

(R.S. § 2349.)

CODIFICATION

R.S. § 2349 derived from act Mar. 3, 1873, ch. 279, § 3, 17 Stat. 607.

TRANSFER OF FUNCTIONS

Office of register of district land office abolished and all functions of register transferred to Secretary of the Interior, or to officers and agencies of Department of the Interior as Secretary may designate, by Reorg. Plan No. 3 of 1946, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100, set out in the Appendix to Title 5, Government Organization and Employees.

See also note set out under section 1 of this title.

INDIAN LANDS EXCEPTED

See note set out under section 71 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 24, 29, 33, 37, 38, 39, 40, 42, 46, 47, 74, 75, 76, 102 of this title.

§ 74. Number of coal land entries; other entries upon noncompliance with conditions

Sections 71 to 73 of this title shall be held to authorize only one entry by the same person or association of persons; and no association of persons any member of which shall have taken the benefit of such sections, either as an individual or as a member of any other association, shall enter or hold any other lands under the provisions thereof; and no member of any association which shall have taken the benefit of such sections shall enter or hold any other lands under their provisions; and all persons claiming under section 72 of this title shall be required to prove their respective rights and pay for the lands filed upon within one year from the time prescribed for filing their respective claims; and upon failure to file the proper notice, or to pay for the land within the required period, the same shall be subject to entry by any other qualified applicant.

(R.S. § 2350.)

CODIFICATION

R.S. § 2350 derived from act Mar. 3, 1873, ch. 279, § 4, 17 Stat. 607.

INDIAN LANDS EXCEPTED

See note set out under section 71 of this title.

CROSS REFERENCES

Disposition of coal deposits, form and manner, see section 193 of this title.

Leases and prospecting permits, see section 201 et seq. of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 24, 29, 33, 37, 38, 39, 40, 42, 46, 47, 75, 76, 102 of this title.

§ 75. Conflicting claims upon coal lands; rules and regulations

In case of conflicting claims upon coal lands where the improvements shall be commenced, after the third day of March, 1873, priority of possession and improvement, followed by proper filing and continued good faith, shall determine the preference right to purchase. And also where improvements have already been made prior to the third day of March, 1873, division of the land claimed may be made by legal subdivisions, to include, as near as may be, the valuable improvements of the respective parties. The Director of the Bureau of Land Management is authorized to issue all needful rules and regulations for carrying into effect the provisions of this section and sections 71 to 74 of this title.

(R.S. § 2351; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

CODIFICATION

R.S. § 2351 derived from act Mar. 3, 1873, ch. 279, § 5, 17 Stat. 608.

TRANSFER OF FUNCTIONS

“Director of the Bureau of Land Management” substituted in text for “Commissioner of the General Land Office” on authority of Reorg. Plan No. 3 of 1946, § 403, set out in the Appendix to Title 5, Government Organization and Employees.

See also note set out under section 1 of this title.

INDIAN LANDS EXCEPTED

See note set out under section 71 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 24, 29, 33, 37, 38, 39, 40, 42, 46, 47, 76, 102 of this title.

§ 76. Reservation of rights upon coal lands; sale of certain mining lands

Nothing in sections 71 to 75 of this title shall be construed to destroy or impair any rights which may have attached prior to the third day of March, 1873, or to authorize the sale of lands valuable for mines of gold, silver, or copper.

(R.S. § 2352.)

CODIFICATION

R.S. § 2352 derived from act Mar. 3, 1873, ch. 279, § 6, 17 Stat. 608.

INDIAN LANDS EXCEPTED

See note set out under section 71 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 24, 29, 33, 37, 38, 39, 40, 42, 46, 47, 102 of this title.

§ 77. Alabama coal lands; agricultural entry

Unreserved public lands containing coal deposits in the State of Alabama which on April 23,

1912, were being withheld from homestead entry under the provisions of section 171 of this title, may be entered under the homestead laws of the United States subject to the provisions, terms, conditions, and limitations prescribed in sections 83 to 85 of this title.

(Apr. 23, 1912, ch. 87, 37 Stat. 90.)

REFERENCES IN TEXT

The homestead laws of the United States, referred to in text, are classified generally to chapter 7 (§161 et seq.) of Title 43, Public Lands.

SUBCHAPTER II—COAL LAND ENTRIES UNDER NONMINERAL LAND LAWS WITH RESERVATION OF COAL TO UNITED STATES

§ 81. Rights of entrymen of lands subsequently classified as coal lands; disposal of coal deposits

Any person who has in good faith located, selected, or entered under the nonmineral land laws of the United States any lands which subsequently are classified, claimed, or reported as being valuable for coal, may, if he shall so elect, and upon making satisfactory proof of compliance with the laws under which such lands are claimed, receive a patent therefor, which shall contain a reservation to the United States of all coal in said lands, and the right to prospect for, mine, and remove the same. The coal deposits in such lands shall be subject to disposal by the United States in accordance with the provisions of the coal land laws in force at the time of such disposal, but no person shall enter upon said lands to prospect for, or mine and remove coal therefrom, without previous consent of the owner under such patent, except upon such conditions as to security for and payment of all damages to such owner caused thereby as may be determined by a court of competent jurisdiction. The owner under such patent shall have the right to mine coal for use on the land for domestic purposes prior to the disposal by the United States of the coal deposit. Nothing herein contained shall be held to affect or abridge the right of any locator, selector, or entryman to a hearing for the purpose of determining the character of the land located, selected, or entered by him. Such locator, selector, or entryman who has made or shall make final proof showing good faith and satisfactory compliance with the law under which his land is claimed shall be entitled to a patent without reservation unless at the time of such final proof and entry it shall be shown that the land is chiefly valuable for coal.

(Mar. 3, 1909, ch. 270, 35 Stat. 844.)

LANDS IN NORTH PLATTE RECLAMATION PROJECT; MINERAL RIGHTS

Patents for lands in North Platte Reclamation Project not to contain reservations of minerals in certain cases, see section 125 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 82, 125, 541c of this title.

§ 82. New or supplemental patents, in case of lands subsequently classified as noncoal

The Secretary of the Interior is authorized and directed in cases where patents for public lands have been issued to entrymen under the provisions of sections 81 and 83 to 85 of this title, reserving to the United States all coal deposits therein, and lands so patented are subsequently classified as noncoal in character, to issue new or supplemental patents without such reservation.

(Apr. 14, 1914, ch. 55, 38 Stat. 335.)

§ 83. Homestead or desert-land and other entries

Unreserved public lands of the United States exclusive of Alaska which have been withdrawn or classified as coal lands, or are valuable for coal, shall be subject to appropriate entry under the homestead laws by actual settlers only, the desert-land law, to selection under section 641 of title 43, and to withdrawal under the Act approved June seventeenth, nineteen hundred and two, known as the Reclamation Act, whenever such entry, selection, or withdrawal shall be made with a view of obtaining or passing title, with a reservation to the United States of the coal in such lands and of the right to prospect for, mine, and remove the same. But all homestead entries made hereunder shall be subject to the conditions, as to residence and cultivation, of entries under section 218 of title 43. Those who have initiated nonmineral entries, selections, or locations in good faith, prior to June 22, 1910, on lands withdrawn or classified as coal lands may perfect the same under the provisions of the laws under which said entries were made, but shall receive the limited patent provided for in sections 83 to 85 of this title.

(June 22, 1910, ch. 318, §1, 36 Stat. 583; June 16, 1955, ch. 145, §1, 69 Stat. 138.)

REFERENCES IN TEXT

The homestead laws, referred to in text, are classified generally to chapter 7 (§161 et seq.) of Title 43, Public Lands.

The desert-land law, referred to in text, is classified generally to chapter 9 (§321 et seq.) of Title 43.

The Reclamation Act, referred to in text, is act June 17, 1902, ch. 1093, 32 Stat. 388, as amended, which is classified generally to chapter 12 (§371 et seq.) of Title 43. The withdrawal provision of such Act is classified to section 416 of Title 43. For complete classification of this Act to the Code, see Short Title note set out under section 371 of Title 43 and Tables.

AMENDMENTS

1955—Act June 16, 1955, removed 160-acre limitation on desert entry.

ADDITIONAL DESERT-LAND ENTRY

Section 3 of act June 16, 1955, as amended by Pub. L. 85-641, §2, Aug. 14, 1958, 72 Stat. 596, provided that: "Any person who, prior to June 16, 1955, made a valid desert-land entry on lands subject to such Act of June 22, 1910 [sections 83 to 85 of this title], or of July 17, 1914 [sections 121 to 123 of this title], may, if otherwise qualified, make one additional entry, as a personal privilege, not assignable, upon one or more tracts of desert land subject to the provisions of such Acts, as hereby amended, and section 7 of the Act entitled 'An Act to stop injury to the public grazing lands by preventing overgrazing and soil deterioration, to provide

for their orderly use, improvement, and development to stabilize the livestock industry dependent upon the public range, and for other purposes', approved June 28, 1934, as amended (48 Stat. 1269, 1272; 43 U.S.C. 315f). The additional land entered by any person pursuant to this section shall not, together with his original entry, exceed three hundred and twenty acres, and all the tracts included within the additional entry authorized by this section shall be sufficiently close to each other to be managed satisfactorily as an economic unit, as determined under rules and regulations issued by the Secretary of the Interior. Additional entries authorized by this section shall be subject to all the requirements of the desert-land law."

SUPPLEMENTAL PROVISIONS

Section 90 of this title, act Apr. 30, 1912, ch. 99, 37 Stat. 105, supplements this section by making provisions for the selection of coal lands by the several States, and for their sale under the laws providing for the sale of isolated or disconnected tracts of public lands.

CROSS REFERENCES

Alabama, coal lands opened to agricultural entry subsequent to 1912, see section 77 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 77, 82, 84, 85, 90, 541c of this title.

§ 84. Applications for entry

Any person desiring to make entry under the homestead laws or the desert-land law, any State desiring to make selection under section 641 of title 43, and the Secretary of the Interior in withdrawing under the Reclamation Act lands classified as coal lands, or valuable for coal, with a view of securing or passing title to the same in accordance with the provisions of said Acts, shall state in the application for entry, selection, or notice of withdrawal that the same is made in accordance with and subject to the provisions and reservations of sections 83 to 85 of this title.

(June 22, 1910, ch. 318, § 2, 36 Stat. 584.)

REFERENCES IN TEXT

The homestead laws, referred to in text, are classified generally to chapter 7 (§161 et seq.) of Title 43, Public Lands.

The desert-land law, referred to in text, is classified generally to chapter 9 (§321 et seq.) of Title 43.

The Reclamation Act, referred to in text, is act June 17, 1902, ch. 1093, 32 Stat. 388, as amended, which is classified generally to chapter 12 (§371 et seq.) of Title 43. The withdrawal provision of such Act is classified to section 416 of Title 43. For complete classification of this Act to the Code, see Short Title note set out under section 371 of Title 43 and Tables.

SUPPLEMENTAL PROVISIONS

See note set out under section 83 of this title.

CROSS REFERENCES

Selection of coal lands by the several States and sale thereof under laws providing for sale of isolated or disconnected tracts of public lands, see section 90 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 77, 82, 83, 85, 90, 541c of this title.

§ 85. Patents for lands, with reservation of coal; disposal of coal deposits

Upon satisfactory proof of full compliance with the provisions of the laws under which entry is made, and of sections 83 to 85 of this title, the entryman shall be entitled to a patent to the land entered by him, which patent shall contain a reservation to the United States of all the coal in the lands so patented, together with the right to prospect for, mine, and remove the same. The coal deposits in such lands shall be subject to disposal by the United States in accordance with the provisions of the coal-land laws in force at the time of such disposal. Any person qualified to acquire coal deposits or the right to mine and remove the coal under the laws of the United States shall have the right, at all times, to enter upon the lands selected, entered, or patented, as provided by sections 83 to 85 of this title, for the purpose of prospecting for coal thereon upon the approval by the Secretary of the Interior of a bond or undertaking to be filed with him as security for the payment of all damages to the crops and improvements on such lands by reason of such prospecting. Any person who has acquired from the United States the coal deposits in any such land, or the right to mine or remove the same, may reenter and occupy so much of the surface thereof as may be required for all purposes reasonably incident to the mining and removal of the coal therefrom, and mine and remove the coal, upon payment of the damages caused thereby to the owner thereof, or upon giving a good and sufficient bond or undertaking in an action instituted in any competent court to ascertain and fix said damages. The owner under such limited patent shall have the right to mine coal for use upon the land for domestic purposes at any time prior to the disposal by the United States of the coal deposits. Nothing herein contained shall be held to deny or abridge the right to present and have prompt consideration of applications to locate, enter, or select, under the land laws of the United States, lands which have been classified as coal lands with a view of disproving such classification and securing a patent without reservation.

(June 22, 1910, ch. 318, § 3, 36 Stat. 584.)

REFERENCES IN TEXT

The land laws, referred to in text, are classified generally to Title 43, Public Lands.

SUPPLEMENTAL PROVISIONS

See note set out under section 83 of this title.

CROSS REFERENCES

Leasing and prospecting permits for coal deposits reserved in United States, see section 182 of this title.

New or supplemental patents in case of lands subsequently classified as noncoal, see section 82 of this title.

Selection of coal lands by the several States and sale thereof under laws providing for sale of isolated or disconnected tracts of public lands, see section 90 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 77, 82, 83, 84, 90, 541c of this title.

§ 86. Disposition of lands in Indian reservations with reservation of coal; examination and appraisal of lands

In any Indian reservation opened to settlement and entry pursuant to a classification of the surplus lands therein as mineral and non-mineral, such surplus lands not otherwise reserved or disposed of, which have been or may be withdrawn or classified as coal lands or are valuable for coal deposits, shall be subject to the same disposition as is or may be prescribed by law for the nonmineral lands in such reservation whenever proper application shall be made with a view of obtaining title to such lands, with a reservation to the United States of the coal deposits therein and of the right to prospect for, mine, and remove the same. Such surplus lands, prior to any disposition hereunder, shall be examined, separated into classes the same as are the nonmineral lands in such reservations, and appraised, as to their value, exclusive of the coal deposits therein, under such rules and regulations as shall be prescribed by the Secretary of the Interior for that purpose.

(Feb. 27, 1917, ch. 133, § 1, 39 Stat. 944.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 87, 88, 89 of this title.

§ 87. Statements in application; patents

Any applicant for lands mentioned in section 86 of this title shall state in his application that the same is made in accordance with and subject to the provisions and reservations of sections 86 to 89 of this title, and upon submission of satisfactory proof of full compliance with the provisions of law under which application or entry is made and of sections 86 to 89 of this title shall be entitled to a patent to the lands applied for and entered by him, which patent shall contain a reservation to the United States of all the coal deposits in the lands so patented, together with the right to prospect for, mine, and remove the same.

(Feb. 27, 1917, ch. 133, § 2, 39 Stat. 945.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 88, 89 of this title.

§ 88. Disposition of coal by United States

If the coal-land laws have been or shall be extended over lands applied for, entered, or patented hereunder the coal deposits therein shall be subject to disposal by the United States in accordance with the provisions of the coal-land laws in force at the time of such disposal. Any person qualified to acquire coal deposits or the right to mine and remove the coal under the laws of the United States shall have the right at all times to enter upon the lands applied for, entered, or patented under sections 86 to 89 of this title, for the purpose of prospecting for coal thereon, if such coal deposits are then subject to disposition, upon the approval by the Secretary of the Interior of a bond or undertaking to be filed with him as security for the payment of all damages to the crops and improvements on such

lands by reason of such prospecting. Any person who has acquired from the United States the coal deposits in any such lands, or the right to mine or remove the same, may reenter and occupy so much of the surface thereof as may be required for all purposes reasonably incident to the mining and removal of the coal therefrom, and mine and remove the coal, upon payment of the damages caused thereby to the owner thereof, or upon giving a good and sufficient bond or undertaking in an action instituted in any competent court to ascertain and fix said damages. The owner under such limited patent shall have the right to mine coal for personal use upon the land for domestic purposes at any time prior to the disposal by the United States of the coal deposits. Nothing herein contained shall be held to deny or abridge the right to present and have prompt consideration of applications made under the applicable land laws of the United States for any such surplus lands which have been or may be classified as coal lands with a view of disproving such classification and securing a patent without reservation.

(Feb. 27, 1917, ch. 133, § 3, 39 Stat. 945.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 87, 89 of this title.

§ 89. Disposition of proceeds

The net proceeds derived from the sale and entry of surplus lands in conformity with the provisions of sections 86 to 89 of this title shall be paid into the Treasury of the United States to the credit of the same fund under the same conditions and limitations as are or may be prescribed by law for the disposition of the proceeds arising from the disposal of other surplus lands in such Indian reservation. The provisions of sections 86 to 89 of this title shall not apply to the lands of the Five Civilized Tribes of Indians in Oklahoma.

(Feb. 27, 1917, ch. 133, § 4, 39 Stat. 945.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 87, 88 of this title.

§ 90. Selection of coal lands by States; sale in isolated or disconnected tracts

Unreserved public lands of the United States, exclusive of Alaska, which have been withdrawn or classified as coal lands or are valuable for coal shall, in addition to the classes of entries or filings described in sections 83 to 85 of this title be subject to selection by the several States within whose limits the lands are situate, under grants made by Congress, and to disposition, in the discretion of the Secretary of the Interior, under the laws providing for the sale of isolated or disconnected tracts of public lands, but there shall be a reservation to the United States of the coal in all such lands so selected or sold and of the right to prospect for, mine, and remove the same in accordance with the provisions of said sections, and such lands shall be subject to all the conditions and limitations of said sections.

(Apr. 30, 1912, ch. 99, 37 Stat. 105.)

SUPPLEMENTAL PROVISIONS

Act Apr. 30, 1912, is supplemental to sections 83 to 85 of this title.

CROSS REFERENCES

Leasing and prospecting permits for coal deposits reserved in United States, see section 182 of this title.

New or supplemental patents in case of lands subsequently classified as noncoal, see section 82 of this title.

SUBCHAPTER III—PETROLEUM, OTHER MINERAL OIL, OR GAS LAND ENTRIES UNDER MINING LAWS

§ 101. Omitted

CODIFICATION

Section, act Feb. 11, 1897, ch. 216, 29 Stat. 526, related to entry of mineral oil lands under placer mining laws. See section 181 et seq. of this title.

SAVINGS PROVISION

Section 193 of this title contains a savings provision protecting valid claims in existence on Feb. 20, 1920.

§ 102. Assessment work on contiguous oil lands, located as claims, of same owner

Where oil lands are located under the provisions of sections 21, 22 to 24, 26 to 28, 29, 30, 33 to 48, 50 to 52, 71 to 76 of this title and section 661 of title 43 as placer mining claims, the annual assessment labor upon such claims may be done upon any one of a group of claims lying contiguous and owned by the same person or corporation, not exceeding five claims in all, where such labor will tend to the development or to determine the oil-bearing character of such contiguous claims.

(Feb. 12, 1903, ch. 548, 32 Stat. 825.)

REFERENCES IN TEXT

Sections 21, 22 to 24, 26 to 28, 29, 30, 33 to 48, 50 to 52, 71 to 76 of this title and section 661 of title 43, referred to in text, were in the original "title thirty-two, chapter six, Revised Statutes of the United States", consisting of R.S. §§ 2318 to 2352.

CROSS REFERENCES

Disposition of oil deposits, form and manner, see section 193 of this title.

§ 103. Patents for oil or gas lands not denied because of transfer before discovery of oil or gas; acreage limitation; nonapplication to withdraw lands

In no case shall patent be denied to or for any lands located or claimed prior to March 2, 1911, under the mining laws of the United States containing petroleum, mineral oil, or gas solely because of any transfer or assignment thereof or of any interest or interests therein by the original locator or locators, or any of them, to any qualified persons or person or corporation, prior to discovery of oil or gas therein, but if such claim is in all other respects valid and regular, patent therefor not exceeding one hundred and sixty acres in any one claim shall issue to the holder or holders thereof, as in other cases. The above provisions shall not apply where such lands were at the time of inception of development on or under such claim withdrawn from mineral entry.

(Mar. 2, 1911, ch. 201, § 1, 36 Stat. 1015.)

REFERENCES IN TEXT

The mining laws of the United States, referred to in text, are classified generally to this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 104 of this title.

§ 104. Agreements with applicants for patents as to disposition of oil or gas, or proceeds thereof, pending determination of title; Navy Petroleum Fund

Where applications for patents have been or may be offered for any oil or gas land included in an order of withdrawal upon which oil or gas had been discovered, or was being produced prior to March 2, 1911, or upon which drilling operations were in actual progress on October 3, 1910, and oil or gas is thereafter discovered thereon, and where there has been no final determination by the Secretary of the Interior upon such applications for patent, said Secretary, in his discretion, may enter into agreements, under such conditions as he may prescribe with such applicants for patents in possession of such land or any portions thereof, relative to the disposition of the oil or gas produced therefrom or the proceeds thereof, pending final determination of the title thereto by the Secretary of the Interior, or such other disposition of the same as may be authorized by law. Any money which may accrue to the United States under the provisions of sections 103 and 104 of this title from lands within the Naval Petroleum Reserves shall be set aside for the needs of the Navy and deposited in the Treasury to the credit of a fund to be known as the Navy Petroleum Fund, which fund shall be applied to the needs of the Navy as Congress may from time to time direct, by appropriation or otherwise.

(Mar. 2, 1911, ch. 201, § 2, as added Aug. 25, 1914, ch. 287, 38 Stat. 708.)

SUBCHAPTER IV—HOMESTEAD ENTRY OF LANDS IN UTAH, WITHDRAWN OR CLASSIFIED AS OIL LANDS

§§ 111 to 113. Repealed. Dec. 16, 1930, ch. 14, § 1, 46 Stat. 1028

Section 111, act Aug. 24, 1912, ch. 367, § 1, 37 Stat. 496, related to homestead entry of lands in Utah.

Section 112, act Aug. 24, 1912, ch. 367, § 2, 37 Stat. 496, related to required information in the application for entry.

Section 113, act Aug. 24, 1912, ch. 367, § 3, 37 Stat. 496, related to reservation of oil and gas to the United States in the lands entered.

Provisions on entry of lands withdrawn or classified as oil lands are contained in sections 121 to 123 of this title.

SUBCHAPTER V—AGRICULTURAL ENTRY OF LANDS WITHDRAWN OR CLASSIFIED AS CONTAINING PHOSPHATE, NITRATE, POTASH, OIL, GAS, ASPHALTIC MINERALS, SODIUM, OR SULPHUR

§ 121. Agricultural entry or purchase of lands withdrawn or classified as containing phosphate, nitrate, potash, oil, or gas; reservations to United States; application

Lands withdrawn or classified as phosphate, nitrate, potash, oil, gas, or asphaltic minerals,

or which are valuable for those deposits, shall be subject to appropriation, location, selection, entry, or purchase, if otherwise available, under the nonmineral land laws of the United States, whenever such location, selection, entry, or purchase shall be made with a view of obtaining or passing title with a reservation to the United States of the deposits on account of which the lands were withdrawn or classified or reported as valuable, together with the right to prospect for, mine, and remove the same. All applications to locate, select, enter, or purchase under this section shall state that the same are made in accordance with and subject to the provisions and reservations of sections 121 to 123 of this title.

(July 17, 1914, ch. 142, § 1, 38 Stat. 509; June 16, 1955, ch. 145, § 2, 69 Stat. 138.)

AMENDMENTS

1955—Act June 16, 1955, removed 160-acre limitation on desert entry.

ADDITIONAL DESERT-LAND ENTRY

Increase of limitation with respect to desert entries to 320 acres, see note set out under section 83 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 122, 124, 125 of this title.

§ 122. Patents; reservation in the United States of reserved deposits; acquisition of right to remove deposits; application for entry to disprove classification

Upon satisfactory proof of full compliance with the provisions of the laws under which the location, selection, entry, or purchase is made, the locator, selector, entryman, or purchaser shall be entitled to a patent to the land located, selected, entered, or purchased, which patent shall contain a reservation to the United States of the deposits on account of which the lands so patented were withdrawn or classified or reported as valuable, together with the right to prospect for, mine, and remove the same, such deposits to be subject to disposal by the United States only as shall be hereafter expressly directed by law: *Provided, however*, That all mineral deposits heretofore or hereafter reserved to the United States under sections 121 to 123 of this title which are subject, at the time of application for patent, to valid and subsisting rights acquired by discovery and location under the mining laws of the United States made prior to the date of the Mineral Leasing Act of February 25, 1920 [30 U.S.C. 181 et seq.], shall hereafter be subject to disposal to the holders of those valid and subsisting rights by patent under the mining laws of the United States in force at the time of such disposal. Any person qualified to acquire the reserved deposits may enter upon said lands with a view of prospecting for the same upon the approval by the Secretary of the Interior of a bond or undertaking to be filed with him as security for the payment of all damages to the crops and improvements on such lands by reason of such prospecting, the measure of any such damage to be fixed by agreement of parties or by a court of competent jurisdiction. Any person who has acquired from the United

States the title to or the right to mine and remove the reserved deposits, should the United States dispose of the mineral deposits in lands, may reenter and occupy so much of the surface thereof as may be required for all purposes reasonably incident to the mining and removal of the minerals therefrom, and mine and remove such minerals, upon payment of damages caused thereby to the owner of the land, or upon giving a good and sufficient bond or undertaking therefor in an action instituted in any competent court to ascertain and fix said damages. Nothing herein contained shall be held to deny or abridge the right to present and have prompt consideration of applications to locate, select, enter, or purchase, under the land laws of the United States, lands which have been withdrawn or classified as phosphate, nitrate, potash, oil, gas, or asphaltic mineral lands, with a view of disproving such classification and securing patent without reservation, nor shall persons who have located, selected, entered, or purchased lands subsequently withdrawn, or classified as valuable for said mineral deposits, be debarred from the privilege of showing, at any time before final entry, purchase, or approval of selection or location, that the lands entered, selected, or located are in fact nonmineral in character.

(July 17, 1914, ch. 142, § 2, 38 Stat. 509; July 20, 1956, ch. 652, 70 Stat. 592.)

REFERENCES IN TEXT

The mining laws of the United States, referred to in text, are classified generally to this title.

The Mineral Leasing Act of February 25, 1920, referred to in text, is act Feb. 25, 1920, ch. 85, 41 Stat. 437, as amended, which is classified principally to chapter 3A (§181 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 181 of this title and Tables.

The land laws of the United States, referred to in text, are classified generally to Title 43, Public Lands.

AMENDMENTS

1956—Act July 20, 1956, permitted disposal of mineral deposits which are subject, at the time of application for patent, to valid and subsisting rights acquired by discovery and location under the mining laws made prior to Feb. 25, 1920.

LANDS IN NORTH PLATTE RECLAMATION PROJECT; MINERAL RIGHTS

Patents for lands in North Platte Reclamation Project not to contain reservations of minerals in certain cases, see section 125 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 121, 124, 125 of this title.

§ 123. Persons locating lands subsequently withdrawn or classified; patents to

Any person who has, in good faith, located, selected, entered, or purchased, or any person who shall locate, select, enter, or purchase, after July 17, 1914, under the nonmineral land laws of the United States, any lands which are subsequently withdrawn, classified, or reported as being valuable for phosphate, nitrate, potash, oil, gas, or asphaltic minerals, may, upon application therefor, and making satisfactory proof of compliance with the laws under which such lands are claimed, receive a patent therefor,

which patent shall contain a reservation to the United States of all deposits on account of which the lands were withdrawn, classified, or reported as being valuable, together with the right to prospect for, mine, and remove the same.

(July 17, 1914, ch. 142, §3, 38 Stat. 510.)

NORTH PLATTE RECLAMATION PROJECT; ENTRY PRIOR
TO JULY 17, 1914; MINERAL RIGHTS

Patents for lands in North Platte Reclamation Project not to contain reservations of minerals in certain cases, see section 125 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 121, 122, 124, 125 of this title.

§ 124. Agricultural entry or purchase of lands withdrawn or classified as containing sodium or sulphur

Lands withdrawn, classified, or reported as valuable for sodium and/or sulphur and subject to prospecting, leasing, or development under the General Leasing Act of February 25, 1920, or Acts amendatory thereof or supplementary thereto [30 U.S.C. 181 et seq.], shall be subject to appropriation, location, selection, entry, or purchase if otherwise available in the form and manner and subject to the reservations, provisions, limitations, and conditions of the Act of Congress approved July 17, 1914 (38 Stat. L. 509; U.S.C., title 30, sec. 123); *Provided, however*, That lands lying within the geologic structure of a field, or withdrawn, classified, or reported as valuable for any of the minerals named herein and/or in any of said sections, or upon which leases or prospecting permits have been applied for or granted, for the production of any of such minerals, shall not be subject to such appropriation, location, selection, entry, or purchase unless it shall be determined by the Secretary of the Interior that such disposal will not unreasonably interfere with operations under said sections.

(Mar. 4, 1933, ch. 278, 47 Stat. 1570.)

REFERENCES IN TEXT

The General Leasing Act of February 25, 1920, referred to in text, probably means the Mineral Leasing Act of 1920, act Feb. 25, 1920, ch. 85, 41 Stat. 437, as amended, which is classified principally to chapter 3A (§181 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 181 of this title and Tables.

The Act of Congress approved July 17, 1914, referred to in text, is act July 17, 1914, ch. 142, 38 Stat. 509, as amended, which is classified to sections 121 to 123 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 125 of this title.

§ 125. Patents in North Platte Reclamation Project; mineral rights; subrogation

Where reclamation homestead entry was made prior to July 17, 1914, pursuant to the Act of June 17, 1902 (32 Stat. 389, 43 U.S.C. sec. 431), as supplemented, for lands in the Northport Division or the Interstate Division of the North Platte Reclamation Project, and after such

entry the lands have been or are hereafter withdrawn, classified, or reported as being valuable for any of the minerals named in sections 81 and 121 to 124 of this title, the patent shall not contain a reservation of such minerals. If any such mineral deposits on account of which the lands were withdrawn, classified or reported as being valuable have been leased by the United States, such patent shall be made subject to the rights of the lessee, but the patentee shall be subrogated to the rights of the United States under the lease.

(Apr. 17, 1954, ch. 152, 68 Stat. 56.)

REFERENCES IN TEXT

Act of June 17, 1902, referred to in text, is act June 17, 1902, ch. 1093, 32 Stat. 388, as amended, popularly known as the Reclamation Act, which is classified generally to chapter 12 (§371 et seq.) of Title 43, Public Lands. For complete classification of this Act to the Code, see Short Title note set out under section 371 of Title 43 and Tables.

SUBCHAPTER VI—LOCATION OF PHOSPHATE ROCK LANDS UNDER PLACER-MINING LAWS

§ 131. Omitted

CODIFICATION

Section, act Jan. 11, 1915, ch. 9, 38 Stat. 792, provided for perfection under placer mining laws of locations made in good faith prior to Jan. 11, 1915, on public lands containing deposits of phosphate rock.

SUBCHAPTER VII—PERMITS TO PROSPECT FOR CHLORIDES, SULPHATES, CARBONATES, BORATES, SILICATES, OR NITRATES OF POTASSIUM

§§ 141 to 152. Repealed. Feb. 7, 1927, ch. 66, § 6, 44 Stat. 1058

Section 141, act Oct. 2, 1917, ch. 62, §1, 40 Stat. 297, related to permits to prospect.

Section 142, act Oct. 2, 1917, ch. 62, §2, 40 Stat. 298, related to patents to permittees.

Section 143, act Oct. 2, 1917, ch. 62, §3, 40 Stat. 298, related to leases to permittees for campsites.

Section 144, act Oct. 2, 1917, ch. 62, §4, 40 Stat. 299, related to cancellation of permits.

Section 145, act Oct. 2, 1917, ch. 62, §5, 40 Stat. 299, related to restrictions on leasehold interests.

Section 146, act Oct. 2, 1917, ch. 62, §§6, 7, 40 Stat. 299, related to reservations in leases.

Section 147, act Oct. 2, 1917, ch. 62, §8, 40 Stat. 300, related to forfeitures in leases.

Section 148, act Oct. 2, 1917, ch. 62, §9, 40 Stat. 300, related to potassium salts deposits.

Section 149, act Oct. 2, 1917, ch. 62, §10, 40 Stat. 300, related to disposition of royalties and rentals.

Section 150, act Oct. 2, 1917, ch. 62, §11, 40 Stat. 300, related to rules and regulations.

Section 151, act Oct. 2, 1917, ch. 62, §12, 40 Stat. 300, related to regulations for disposition of deposits.

Section 152, act Oct. 2, 1917, ch. 62, §13, 40 Stat. 300, related to provisions in leases for regulation of price and disposition of minerals.

SUBCHAPTER VIII—BUILDING STONE OR SALINE LAND ENTRIES UNDER PLACER-MINING LAWS

§ 161. Entry of building-stone lands; previous law unaffected

Any person authorized to enter lands under the mining laws of the United States may enter

lands that are chiefly valuable for building stone under the provisions of the law in relation to placer mineral claims. Lands reserved for the benefit of the public schools or donated to any States shall not be subject to entry under this section. Nothing contained in this section shall be construed to repeal section 471 of title 16 relating to the establishment of national forests. (Aug. 4, 1892, ch. 375, §§ 1, 3, 27 Stat. 348.)

REFERENCES IN TEXT

The mining laws of the United States, referred to in text, are classified generally to this title.

CODIFICATION

First two sentences of this section are from section 1 and last sentence of this section is from section 3 of act Aug. 4, 1892.

CROSS REFERENCES

Placer-mineral claims provisions, see sections 35 to 38 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 16 section 1907; title 43 section 299.

§ 162. Entry of saline lands; limitation

All unoccupied public lands of the United States containing salt springs, or deposits of salt in any form, and chiefly valuable therefor, shall be subject to location and purchase under the provisions of the law relating to placer-mining claims. The same person shall not locate or enter more than one claim hereunder.

(Jan. 31, 1901, ch. 186, 31 Stat. 745.)

CROSS REFERENCES

Disposition of deposits of coal, phosphate, sodium, potassium, oil, oil shale, and gas, see section 193 of this title.

Lease of lands chiefly valuable for deposits of sodium compounds and other mineral salts, see section 262 of this title.

Prospecting permits giving exclusive right to prospect for chlorides, phosphates, nitrates of sodium, etc., see section 261 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 16 section 1907; title 43 section 299.

SUBCHAPTER IX—DISPOSAL OF ALABAMA LANDS AS AGRICULTURAL LANDS

§ 171. Disposal as agricultural lands

Except as otherwise provided in chapter 3A of this title, all public lands within the State of Alabama, whether mineral or otherwise, shall be subject to disposal only as agricultural lands. All lands which had been reported to the General Land Office prior to March 3, 1883, as containing coal and iron shall first be offered at public sale.

(Mar. 3, 1883, ch. 118, 22 Stat. 487; Feb. 25, 1920, ch. 85, § 1, 41 Stat. 437.)

CODIFICATION

Section is from act Mar. 3, 1883, which contained an additional provision relating to pending homesteads, which was omitted because of its temporary nature.

AMENDMENTS

1920—The exception clause was inserted at beginning of this section because of act Feb. 25, 1920, which pro-

vided that deposits of coal, phosphate, sodium, oil, oil shale, or gas, and lands containing such deposits owned by the United States, shall be subject to disposition in the form and manner provided by such act.

TRANSFER OF FUNCTIONS

General Land Office abolished and functions transferred to Bureau of Land Management by Reorg. Plan No. 3 of 1946, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100, and regulations thereunder. See note set out under section 1 of Title 43, Public Lands.

CROSS REFERENCES

Coal lands in Alabama opened to agricultural entry, see section 77 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 77 of this title.

§ 172. Certain Alabama lands subject to homestead entry

All lands designated as agricultural in the reclassification of the public lands of Alabama by the Secretary of the Interior under authority of Act March 27, 1906 (chapter 1347, section 1, Thirty-fourth Statutes, page 88), shall be subject to homestead entry as such.

(Mar. 27, 1906, ch. 1347, § 2, 34 Stat. 88.)

REFERENCES IN TEXT

Act March 27, 1906 (chapter 1347, section 1, Thirty-fourth Statutes, page 88), referred to in text, is not classified to the Code.

CHAPTER 3A—LEASES AND PROSPECTING PERMITS

SUBCHAPTER I—GENERAL PROVISIONS

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| 184a. | Authorization of States to include in agreements for conservation of oil and gas resources lands acquired from United States. |